IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 646 of 2005

Mahavir Singh Rawat
S/o Late Sri Jai Singh Rawat
Resident of Nandpur ,Kotdwar
District Pauri Garhwal

Applicant

Versus

1. State of Uttaranchal
2. Judicial Magistrate Kotdwar
   District Pauri Garhwal

3. Rameswar Prasad Maneshwar Prasad
   Partner s/o late Sri Rameshwar Prasad
   R/o Nazibabad Road, Kotdwar
   District Pauri Garhwal
4 The Tax Registration Officer
   Dehradun Road,
   Transport Department Dehradun

respondents

Hon'ble B.C. Kandpal, J

This petition under Section 482 Cr.P.C. has been filed for quashing the proceedings in Criminal Case No 748 of 2002 Rameshwr Versus Mahabir Singh as well as against the issuance of non bailable warrant dated 9.8.2005 and 14.9.2004 passed by Chief Judicial Magistrate, Kotdwar

Heard Sh. Raman Kumar Shah, learned counsel for the petitioner and perused the record.

In this case cognizance was taken by the court below on 12.9.2002. Thereafter the case is proceeding before the court below since then .The petitioner did not appear before the court on 9.8.2005 hence non bailable warrants were issued against him.The non bailable warrants against the petitioner were issued for 14.9.2005.

The petitioner has therefore preferred this petition for quashing criminal proceedings as well as non bailable warrants issued against him.

I do not find any abuse of process of court at this stage The petitioner has been contesting the case since the year 2002 and in case if on account of his non appearance, non bailable warrants have been issued against him ,the same can be recalled in case the applicant moves an application for recalling the same before the court below and the court find sufficient ground for the same.

I do not find any ground for interference in the proceedings of the court below and also I do not find any flagrant injustice caused to the petitioner.

The petition under Section 482 Cr.P.C. lacks merit and liable to be dismissed.

Accordingly the petition is dismissed in limine.

However, in case if the petitioner moves an application before the court below for recalling non bailable warrants issued against him the same should be disposed of expeditiously by the court below.

(B.C. Kandpal,J)

23.9.2005
nbj